



**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
LOS ANGELES SESSION  
DECEMBER 5, 2018  
FIRST AMENDED**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, Third Floor, North Tower, Los Angeles, California on December 5, 2018.

**WEDNESDAY, DECEMBER 5, 2018—9:00 A.M.**

- (1) Cal Fire Local 2881 et al. v. California Public Employees' Retirement System et al. (State of California), S239958  
(*Willhite, Jr., J., assigned justice pro tempore*)
- (2) Sweetwater Union School District v. Gilbane Building Company et al., S233526  
(*Manella, P. J., assigned justice pro tempore*)
- (3) People v. Amezcua (Oswaldo) and Flores (Joseph), [Automatic Appeal], S133660 (*O'Rourke, J., assigned justice pro tempore*)

**1:30 P.M.**

- (4) Goonewardene (Sharmalee) v. ADP, LLC, et al., S238941  
(*Irion, J., assigned justice pro tempore*)
- (5) In re J.G., S240397  
(*McKinster, J., assigned justice pro tempore*)
- (6) McClain (Michael) et al. v. Sav-On Drugs et al., and Consolidated Case, S241471  
(*O'Leary, P. J., assigned justice pro tempore*)

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CANTIL-SAKAUYE  
*Chief Justice*

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

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*The following case summaries are issued to inform the public about cases that the California Supreme Court has scheduled for oral argument and of their general subject matter. In most instances, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.*

**WEDNESDAY, DECEMBER 5, 2018—9:00 A.M.**

**(1) *Cal Fire Local 2881 et al. v. California Public Employees’ Retirement System et al. (State of California), S239958 (Willhite, Jr., J., assigned justice pro tempore)***

#17-115 Cal Fire Local 2881 v. California Public Employees’ Retirement System, S239958. (A142793; 7 Cal.App.5th 115; Alameda County Superior Court; RG12661622.) Petition for review after the Court of Appeal affirmed the judgment in an action for writ of administrative mandate. This case presents the following issues:

(1) Was the option to purchase additional service credits pursuant to Government Code section 20909 (known as “airtime service credits”) a vested pension benefit of public employees enrolled in CalPERS? (2) If so, did the Legislature’s withdrawal of this right through the enactment of the Public Employees’ Pension Reform Act of 2013 (PEPRA) (Gov. Code, §§ 7522.46, 20909, subd. (g)), violate the contracts clauses of the federal and state Constitutions?

**(2) *Sweetwater Union School District v. Gilbane Building Company et al., S233526 (Manella, P. J., assigned justice pro tempore)***

#16-198 Sweetwater Union School Dist. v. Gilbane Building Co., S233526. (D067383; 245 Cal.App.4th 19; San Diego County Superior Court; 37-2014-00025070-CU-MC-CTL.) Petition for review after the Court of Appeal affirmed an order denying a special motion to strike in a civil action. This case presents the following issues: (1) Is testimony given in a criminal case by persons who are not parties in a subsequent civil

action admissible in that action to oppose a special motion to strike? (2) Is such testimony subject to the conditions in Evidence Code section 1290 et seq. for receiving former testimony in evidence?

**(3) *People v. Amezcua (Oswaldo) and Flores (Joseph), S133660 [Automatic Appeal], (O'Rourke, J., assigned justice pro tempore)***

This matter is an automatic appeal from a judgment of death.

**1:30 P.M.**

**(4) *Goonewardene (Sharmalee) v. ADP, LLC, et al., S238941 (Irion, J., assigned justice pro tempore)***

#17-52 Goonewardene v. ADP, LLC, S238941. (B267010; 5 Cal.App.5th 154; Los Angeles County Superior Court; TC026406.) Petition for review after the Court of Appeal reversed the dismissal of a civil action. This case presents the following issue: Does the aggrieved employee in a lawsuit based on unpaid overtime have viable claims against the outside vendor that performed payroll services under a contract with the employer?

**(5) *In re J.G., S240397 (McKinster, J., assigned justice pro tempore)***

#17-142 In re J.G., S240397. (C077056; 7 Cal.App.5th 955; Shasta County Superior Court; JDSQ122933901.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceeding. This case includes the following issues: (1) Did the juvenile court have the authority to convert a restitution order to a civil judgment at the completion of deferred entry of judgment? (2) Did the juvenile court err by ruling that restitution could be paid from federally-protected Social Security benefits?

**(6) *McClain (Michael) et al. v. Sav-On Drugs et al., and Consolidated Case, S241471 (O'Leary, P. J., assigned justice pro tempore)***

#17-181 McClain v. Sav-On-Drugs, S241471. (B265011; p Cal.App.5th 684, mod. 10 Cal.App.5th 749d; Los Angeles County Superior Court; BC325272, BC327216.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case

includes the following issue: Can a purchaser of products allegedly exempt from sales tax but for which the retailer collected sales tax reimbursement bring an action to compel the retailer to seek a sales tax refund from the State Board of Equalization and remit the proceeds to purchasers?